

## **REMARKS**

In the instant application, claims 1-18 are pending and have been made the subject of a Restriction Requirement.

### **I. Restriction Requirement Under 35 U.S.C. § 121**

The Examiner asserts that Restriction to one of the following inventions is required under 35 U.S.C. § 121:

- I. Claims 1-10, 13 drawn to compounds of formula (I) and composition thereof, classified in several heterocyclic classes (540, 544, 544, 548, 546) and non-heterocyclic classes (558, 562, etc.), numerous subclasses.
- II. Claims 11-12, process of making compounds of formula I, classified in several heterocyclic classes (540, 544, 544, 548, 546) and non-heterocyclic classes (558, 562, etc.), numerous subclasses.
- III. Claims 14-18, drawn to methods of using compounds of formula (I), classified in several heterocyclic classes (540, 544, 544, 548, 546) and non-heterocyclic classes (558, 562, etc.), numerous subclasses.

Restriction Requirement, page 2.

Applicants traverse the Examiner's Restriction Requirement and request reconsideration.

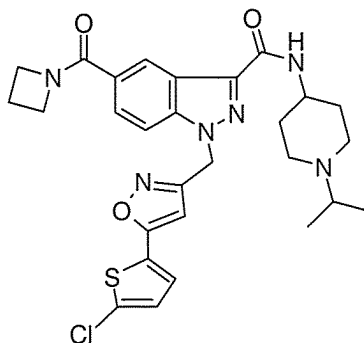
Applicants submit that the Examiner has not satisfied the requirements for the Restriction Requirement among Groups I-III. For a Restriction Requirement to be proper the MPEP §803 states that "there must be a serious burden on the examiner if restriction is required." Applicants submit that the inventions of Groups I-III do not impose an undue search burden on the Examiner. Specifically, a search for the claimed compounds of Groups I is bound to reveal information concerning their preparation and use. Accordingly, performing the search covering the compounds, their preparation and the method of their use would not be a serious burden on the Examiner.

Thus, Applicants submit that the Examiner has failed to provide sufficient reasons in support of a restriction between the inventions of Groups I-III. Accordingly, Applicants respectfully request reconsideration and withdrawal of the restriction requirement between the claims encompassed by these groups.

### **II. Provisional Election**

To comply with the Examiner's Restriction Requirement, Applicants provisionally elect, with traverse, Group I, claims 1-10 and 13.

To comply with the Examiner's Election of Species Requirement, Applicants provisionally elect the species of the compound of Example 12, 5-(azetidine-1-carbonyl)-1-[5-(5-chloro-thiophen-2-yl)-isoxazol-3-ylmethyl]-1H-indazole-3-carboxylic acid (1-isopropyl-piperidin-4-yl)-amide, having the following chemical structure:



Example 12 is a compound of formula I, wherein

J<sub>1</sub> is N;

J<sub>2</sub> is N-Q-R<sup>0</sup>;

R<sup>0</sup> is 5-(5-chloro-thiophen-2-yl)-isoxazol-3-yl;

D is phenyl substituted by R<sup>3</sup>;

Q is methylene;

R<sup>1</sup> is hydrogen

R<sup>2</sup> is a direct bond

V is piperidin-4-yl;

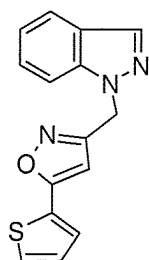
G is a direct bond;

M is isopropyl; and

R<sup>3</sup> is azetidin-1-carbonyl.

Claims 1-8, 10 and 13 read on the elected species.

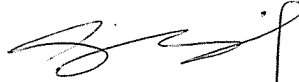
Applicants also submit that the searchable central core structure for the elected Group I is as shown below:



Applicants submit that once the compounds of the present invention are found to be novel, then the other Groups defined by the Examiner where appropriate should be subject to rejoinder, pursuant to linking claim practice.

Applicants also affirm their right to file one or more divisional applications with respect to any other non-elected subject matter.

Respectfully submitted,



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